

EA



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/049,267 | 02/11/2002 | Michael Inbar | 02/23367 | 9456 |

7590 06/27/2005

Antony Castorina
 G E Ehrlich
 Suite 207
 2001 Jefferson Davis Highway
 Arlington, VA 22202

EXAMINER

LASTRA, DANIEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

3622

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/049,267 | Applicant(s) INBAR ET AL. | |
| | Examiner DANIEL LASTRA | Art Unit 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>07/25/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-47 have been examined. Application 10/049,267 (SYSTEMS AND METHODS FOR ACCUMULATING AND CONSOLIDATING BONUS POINTS) has a filing date 02/11/2002 and is a national stage entry of PCT/IL00/00473 International Filing Date: 08/04/2000 Which Claims Priority from Provisional Application 60148386 (08/12/1999) Which Claims Priority from Provisional Application 60162254 (10/29/1999).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-19, 21-25, 29-38, 41 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor (US 5,578,808).

As per claims 1 and 30, Taylor teaches:

A system for granting bonus points to a user, the system comprising.

(a) at least one database server being configured so as to grant a predetermined value of bonus points upon identifying information pertaining to a product (see column 7, lines 35-57; column 8, lines 40-51);

(b) at least one checkout register system being for providing said information pertaining to said product upon purchase of said product (see column 1, lines 55-60) ;
and

(c) a plurality of user clients each being capable of independently communicating with said at least one database server and said at least one checkout register system, each of said plurality of user clients being operable by a user and being for relaying said information pertaining to said product to said at least one database server so as to grant the user with said predetermined value of bonus points (see column 5, lines 7-40).

As per claim 3, Taylor teaches:

The system of claim 1, wherein said product is associated with a promotional sale and further wherein said information pertaining to said product also includes information identifying said product as a promotional item (see column 2, lines 14-17).

As per claim 4, Taylor teaches:

The system of claim 3, wherein the user is entitled to benefits associated with said promotional sale upon relaying said information pertaining to said product to said at least one database server (see column 7, lines 25-57; column 8, lines 40-51).

As per claims 5 and 31, Taylor teaches:

The system of claim 1, further comprising a plurality of portable storage devices each being at the disposal of a specific user, each of said plurality of portable storage devices being capable of receiving and storing said information associated with said product from said at least one checkout register system and further being capable of communicating said information stored therein to each of said plurality of user clients (see column 5, lines 9-40).

As per claim 6, Taylor teaches:

The system of claim 5, wherein each of said portable storage devices also stores information pertaining to bonus points of a user thereof (see column 5, lines 7-40).

As per claim 7, Taylor teaches:

The system of claim 5, wherein each of said plurality of portable storage devices is a magnetic card (see column 3, lines 55-60).

As per claim 8, Taylor teaches:

The system of claim 5, wherein each of said plurality of portable storage devices is a smart card (see column 3, lines 55-60).

As per claim 9, Taylor teaches:

The system of claim 5, wherein each of said plurality of portable storage devices is a memory device selected from the group consisting of a magnetic memory device, an optical memory device and an optical-magnetic memory device (see column 3, lines 55-60).

As per claim 10, Taylor teaches:

The system of claim 1, wherein each of said plurality of user clients is selected from the group consisting of a personal computer a cellular telephone and a PDA (see column 5, lines 25-40).

As per claim 11, Taylor teaches:

A system for granting bonus points to a user, the system comprising:

(a) at least one database server being configured so as to grant a predetermined value of bonus points upon, identifying information pertaining to a product (see column 5, lines 9-62),

(b) at least one checkout register system being for communicating said information pertaining to said product to said at least one database server upon purchase of said product (see column 1, lines 55-60; column 2, lines 14-17); and

(c) a plurality of portable storage devices each being operable by a user, each of said plurality of portable storage devices being for receiving and storing said predetermined value of bonus points from said at least one database server following said purchase of said product (see column 5, lines 9-60; column 5, lines 7-62; column 8, lines 40-51).

As per claim 12, Taylor teaches:

The system of claim 11, wherein said at least one checkout register system further serves for communicating said predetermined value of bonus points from said at least one database server to each of said plurality of portable storage devices (see column 7, lines 25-60; column 8, lines 40-50).

As per claim 13, Taylor teaches:

The system of claim 11, wherein each of said plurality of portable storage devices is a magnetic card (see column 3, lines 55-60).

As per claim 14, Taylor teaches:

The system of claim 11, wherein each of said plurality of portable storage devices is a smart card (see column 3, lines 55-61).

As per claim 15, Taylor teaches:

The system of claim 11, wherein each of said plurality of portable storage devices is a memory device selected from the group consisting of a magnetic memory

Art Unit: 3622

device, an optical memory device and an optical-magnetic memory device (see column 3, lines 55-60).

As per claim 16, Taylor teaches:

The system of claim 11, wherein each of said plurality of portable storage devices also serves for effecting said purchase of said product (see column 5, lines 6-20).

As per claim 17, Taylor teaches:

The system of claim 16, wherein said purchase of said product is effected via bonus, points stored by each of said plurality of portable storage devices (see column 7, lines 35-56).

As per claims 18 and 33, Taylor teaches:

A system for granting bonus points to a user, the system comprising:

(a) at least one database server being configured so as to grant a predetermined value of bonus points upon identifying information pertaining to a product (see column 2, lines 14-19; column 5, lines 56-60; column 7, lines 35-45);

(b) at least one vendor server being for generating said information pertaining to said product upon said purchase of said product and further being for communicating said information pertaining to said product to said at least one database server (see column 6, lines 22-28),

(c) a plurality of user clients each being capable of communicating with said at least one vendor server for effecting a purchase of said product therefrom, such that upon said purchase of said product from said at least one vendor server, said at least

one database server grants the user said predetermined value of bonus points (see column 5, lines 7-60).

As per claim 19, Taylor teaches:

The system of claim 18, wherein said user client is selected from the group consisting of a personal computer, a PDA, a cellular telephone and a standard telephone (see column 5, lines 27-40).

As per claim 21, Taylor teaches:

The system of claim 18, wherein said product is associated with a promotional sale and further wherein said information pertaining to said product also includes information identifying said product as a promotional item (see column 2, lines 14-18).

As per claim 22, Taylor teaches:

The system of claim 21, wherein the user is entitled to benefits associated with said promotional sale upon communication of said information pertaining to said product to said at least one database server (see column 8, lines 45-50).

As per claim 23, Taylor teaches

The system of claim 18, wherein said vendor server forms a part of the World Wide Web (see column 5, lines 30-39).

As per claims 24 and 37, Taylor teaches:

A system for granting bonus points to a plurality of users, the bonus points being associated with- a plurality of products, each of said plurality of products being coded by a code, the system comprising:

(a) a plurality of user clients being at a respective disposal of the plurality of users, each of said plurality of user clients including a code identifier operatively communicating therewith, said code identifier being capable of identifying the code of each of the plurality of products (see column 2, lines 14-19); and

(b) at least one database server being in communication with, each of said plurality of user clients upon establishing communication therewith, said at least one database server being configured so as to grant any one user of the plurality of users a predetermined value of bonus points upon identification of the code of any one of said plurality of products (see column 5, lines 6-60; column 7, lines 35-57; column 8, lines 45-50).

As per claims 25 and 38, Taylor teaches:

The system of claim 24, wherein said at least one database server is further configured so as to allow any one user of the plurality of users to select at least one benefit from a plurality of optional benefits, each of said plurality of optional benefits is trade for a predetermined value of bonus points (see column 7, lines 35-57).

As per claims 29 and 41, Taylor teaches:

The system of claim 24, wherein each of said plurality of user clients is selected from the group consisting of a personal computer, a PDA and a cellular telephone (see column 5, lines 25-30)

As per claim 32, Taylor teaches:

The method of claim 30, wherein said step of communicating said information pertaining to said product from said user client to said database server is effected via a

communication mode selected from the group consisting of dialup communication and a local area network communication (see column 5, lines 25-40).

As per claim 34, Taylor teaches

The method of claim 33, wherein the step of communicating said information pertaining to said product to said at least database server is effected via a communication mode selected from the group consisting of dialup communication and a local area network communication (see column 5, lines 25-40).

As per claim 35, Taylor teaches:

The method of claim 33, wherein said vendor system is a checkout register system (see column 1, lines 55-60).

As per claim 36, Taylor teaches

The method of claim 33, wherein said vendor system is a vendor server forming a part of the World Wide Web (see column 5, lines 25-40).

As per claim 43, Taylor teaches

The system of claim 41, wherein said vendor system is a vendor server forming a part of the World Wide Web (see column 5, lines 25-40).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 20, 27, 39, 42 and 44-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 5,578,808).

As per claim 2, Taylor teaches the system of claim 1, but does not expressly teach wherein said information pertaining to said product includes information selected from the group consisting of product price, product description, date of purchase and time of purchase. However, Taylor teaches in column 2, lines 15-17 a system that "keeps track of purchases and award discounts or coupons automatically depending upon current purchases and/or history of purchases, broken down by brand and in other ways". Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Taylor would calculate purchase awards, such as coupons or points by keeping track of product prices, descriptions and date of purchases of said products. Keeping track of purchase transactions would allow the Taylor system to accurately award points to customers.

As per claim 20, Taylor teaches:

The system of claim 18, but does not expressly teach wherein said information pertaining to said product includes information selected from the group consisting of product price, product description, date of purchase and time of purchase. However, Taylor teaches in column 2, lines 15-17 a system that "keeps track of purchases and award discounts or coupons automatically depending upon current purchases and/or history of purchases, broken down by brand and in other ways". Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Taylor would calculate purchase awards, such as coupons or points

Art Unit: 3622

by keeping track of product prices, descriptions and date of purchases of said products. Keeping track of purchase transactions would allow the Taylor system to accurately award points to customers.

As per claims 27 and 39, Taylor teaches the system of claim 24, but fails to teach wherein said code identifier communicates with a user client of said plurality of user clients via cord or cordless communication modes. However, Official notice is taken that it is old and well known in the computer art that barcode scanners communicates with computers via cord or cordless mode. It would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Taylor's point of sale terminals (see Taylor column 57-60) would use barcode scanners (cord or cordless) to read products' barcode data and automatically identify said products.

As per claims 42 and 45, Taylor teaches

A system for carrying out a promotional sale of a product, the system comprising:

(a) at least one database server being configured so as to track and numerate the number of times the product was purchased and further being for declaring eligibility of a purchaser to a benefit upon purchasing a product N, wherein N is an integer greater than one (see column 2, lines 14-20). Taylor does not expressly teach to track the number of times the product was purchased. However, it would have been obvious to a person of ordinary skill in the art that if Taylor tracks purchases and award discounts or coupons depending upon current purchases and/or history of purchases, then Taylor would keep track of the number of times product are purchased for accurately determining awards, specially when Taylor broke said tracking by product brand. This

Art Unit: 3622

feature would increase loyalty to products, as customers would receive awards for purchasing said products a specific number of times.

(b) at least one vendor system being for communicating a purchase of said product N to said at least one database server, such that the purchaser is declared eligible to said benefit upon said purchasing (see column 2, lines 14-20).

As per claim 44, Taylor teaches

The system of claim 42, wherein said vendor system is a checkout register system (see column 6, lines 22-37).

As per claims 46 and 47, Taylor teaches:

A system for carrying out a promotional sale of a product, the system comprising:

(a) at least one database server being configured so as to track and enumerate the number of times the product was purchased and further being for declaring eligibility of a purchaser to a benefit upon purchasing a product N, wherein N is an integer greater than one (see column 2, lines 14-19). Taylor does not expressly teach to track the number of times the product was purchased. However, it would have been obvious to a person of ordinary skill in the art that if Taylor tracks purchases and award discounts or coupons depending upon current purchases and/or history of purchases, then Taylor would keep track of the number of times product are purchased for accurately determining awards, specially when Taylor broke said tracking by product brand. This feature would increase loyalty to products, as customers would receive awards for purchasing said products a specific number of times.

(b) at least one user client being for communicating a purchase of said product to said at least one database server, such that the purchaser is declared eligible to said benefit upon communicating said purchase of said product to said at least one database server (see column 5, lines 5-40).

Claims 26, 28 and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Taylor (US 5,578,808) in view of Matsumori (US 6,179,206).

As per claim 26, Taylor teaches

The system of claim 24, but fails to teach wherein said code identifier is selected from the group consisting of an optical scanner, a bar-code reader, a magnetic code reader and a radiofrequency reader. However, Matsumori teaches a system that uses barcode scanners to identify and track purchase products (see Matsumori column 1, lines 20-47). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Taylor would automatically track purchase products by using barcode scanners, as taught by Matsumori. This feature would allow Taylor track purchase items and award discount or points based upon said purchases.

As per claims 28 and 40, Taylor teaches:

The system of claim 24, but fails to teach wherein said code identifier is attached to, or integrated with, each of said plurality of user clients. However, Matsumori teaches mobile terminals with attach barcode scanners. Therefore, it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that Taylor's mobile computers (see Taylor column 26-30) would include barcode scanners,

Art Unit: 3622

which would be used to read products' barcode data and identify and track said products. The barcode scanner would eliminate the need to manually input product identification into computer terminals.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ERIC W. STAMBER can be reached on 571-272-6724. The Examiner's Right Fax number is 571-273-6720.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Daniel Lastra
June 13, 2005

Yehdega Retta
RETAYEHDEGA
PRIMARY EXAMINER